

U.S. Department of Justice
Community Relations Service



CRS BULLETIN

Rose Ochi, Director, Community Relations Service

Conflict Resolution in Indian Country

On June 1, 1995, Attorney General Janet Reno issued the Department of Justice "Policy on Indian Sovereignty and Government to Government Relations with Indian Tribes." It reaffirms the sovereign status of federally recognized Indian Tribes as domestic dependent nations, support for Tribal self-government, and the Department's commitment to upholding the United States' trust responsibility and maintaining government-to-government relations with Indian Nations. One arm of the Department of Justice, the Community Relations Service (CRS), carries out this policy by the use of mediation, rather than through enforcement or litigation. CRS provides mediation and conflict resolution services to Tribal governments, law enforcement, and communities on and off the reservation, when community tensions arise over racial or ethnic issues. CRS assists Tribal Governments in resolving disputes by dialogue and joint problem-solving.

CRS can help resolve issues involving law enforcement and land jurisdiction; environment and religious sites; gaming and state enforcement; religious rights within schools and prisons; hunting, gathering, and fishing rights; hate crimes; and conflicts with non-Indian communities.

CRS does not promote or represent the interests of any organization or government entity. Instead, CRS is available as an impartial service to mediate disagreements and conflicts between Indian communities, other governmental and private entities, and communities. CRS conciliators are especially cognizant of the unique sovereignty of Indian nations and the special trust responsibility between the United States and these nations. CRS does not attempt to impose its own preconceived resolutions on parties involved in disputes, but instead seeks to facilitate peaceful solutions through dialogue and discussion. Requesting CRS to assess or conciliate a dispute does not forfeit the right of any party to use the court system or any other dispute resolution method.

In an era where Tribal courts, as well as State and Federal courts, are shouldering an increasing caseload, court adjudication can become an arduous and expensive

Tribal offices and agencies are often faced with complaints and conflicts over treatment and services. Short of taking it to court, Tribal residents may have few options for resolving conflicts, disagreements, or mistreatment. CRS helps institute two mechanisms which can address many such issues on reservations. One is a mediation or alternative dispute resolution (ADR) component in the court system, similar to what county and State courts around the country have created. Mediation is particularly effective in neighbor to neighbor, family, and child custody cases. A second is the formation of a Tribal Human Rights Commission, which can hear and review allegations of mistreatment or violation of rights. A commission, with staff trained in conflict resolution techniques, can help resolve individual cases in a mutually agreeable manner and bring attention to systemic problems.

Examples of CRS Services

Several examples of successful mediation of disputes involving Tribal and community interests demonstrate the value of CRS and mediation.

Mediation at the Pine Ridge Reservation -- Then and Now

During the 1973 encampment at Wounded Knee, on the Pine Ridge Reservation, South Dakota, Tribal members and the American Indian Movement protested policies of the Oglala Sioux Tribal government and Federal government. Federal, State, and Tribal law enforcement officials were on the verge of using force to evict the protest group. CRS mediators helped bring a peaceful resolution to the standoff by establishing communications between the protestors and police, by relaying concerns to Federal officials, and by negotiating a disengagement agreement. Without this communication, a peaceful resolution may have not been possible. Recently, the Chief Judge of the Oglala Sioux of the Tribal Court invited CRS to the Pine Ridge reservation to mediate a dispute between Tribal

Mediation of Public Safety Issues

CRS mediates racial conflict between Indian communities and neighboring communities, including State and local law enforcement agencies. In Shingle Springs, California, racial tensions developed between residents of the rancheria and the neighboring homeowners' associations, requiring the involvement of the county sheriff's department. Issues over easements, road access and traffic congestion escalated into lawsuits. At the request of the Bureau of Indian Affairs, Department of Interior, and the Tribal Council, CRS arranged for direct discussions between the Tribal members and homeowners' associations to resolve the conflicts and build cooperation among neighbors.

On the Rosebud Reservation in South Dakota, CRS mediated sessions between Tribal police and government, the State Attorney General, County Sheriff, and U.S. Attorney. The discussions led to a signed agreement that State officials would be accompanied by a Tribal law enforcement supervisor while on trust land, that new procedures would govern reciprocal extradition of suspects, and more effective approaches would be developed for youthful offenders.

CRS was asked by the Tribal Council of the Bad River Band of the Lake Superior Tribe of Chippewa Indians and the Sheriff of Ashland County, Wisconsin to help settle a dispute between the Tribe and the Wisconsin Central Railroad, which was shipping toxic sulfuric acid across its reservation on tracks they believed to be unsafe.

When the railroad continued the shipments, its tracks were blockaded. The railroad's threat to run the blockade intensified the tension between the Tribe, the railroad, and State and local law enforcement officers and violence appeared imminent.

Tension eased after all parties agreed CRS would mediate the dispute. In his letter to Attorney General Reno, Tribal Chairman John Wilmer, Sr., tells about the mediation: "[CRS] met with all parties involved in the dispute and almost immediately instilled a shared sense of trust in his integrity and ability. [CRS] worked tirelessly to find common ground among the parties and ease any existing tensions. Because of [CRS] efforts, the parties have worked through most of their differences and are looking forward to a resolution of the matter after a recess in the negotiations dedicated to researching the remaining issues at hand. . . I am sincerely grateful that the Department of Justice has a program like CRS." Shortly after, an agreement was reached

Mediation of Cross Cultural Disputes

Many times Indian rights and interests are overlooked or ignored due to lack of education and cultural understanding. In these instances, CRS assists in bringing understanding and appreciation for cultural differences. In one case, CRS mediated issues over the use of native ceremonial practices by a border town school district during its homecoming ceremonies.

Indian Tribes holding significant natural resources on their lands report increasing conflicts, as plans by governments and private entities to develop the land for industrial or tourist purposes clash with spiritual practices. In California, CRS responded to tensions involving a coalition of Tribes and Native American organizations which protested the proposed Ward Valley nuclear waste facility near Needles, California because of the spiritual significance of that land to people who have lived in that area for generations.

Similarly, CRS responded when native groups opposed climbing on Devil's Tower in Wyoming during the month that the Tower is used for spiritual purposes. CRS helped reach a resolution which called for a ban on climbers during the month. CRS has responded to tensions in several cities where allegations of police abuse have been leveled by Native Americans and Tribal leaders. Finally, CRS helped public school districts resolve racial animosities that arose after altercations between Indian and non-Indian students.

A Chumash Indian Tribe in California contacted CRS when an ancient Chumash burial ground was under consideration as the future site of a retirement complex for military veterans. The parties included a veterans group, the State of California, developers, the city of Ventura, and the Tribe. While the Tribe supported the development, it was deeply concerned about possible desecration of the ground and treatment of the remains. The dispute was resolved by mediation, and the developers agreed to design the complex to preserve the original burial site and to commemorate it with a Native American memorial.

Mediation of Taxation and Business Issues

CRS was asked by Tribal groups to conciliate a variety of issues involving the extent of Tribal and State regulatory authority in such areas as taxation, employment, and business regulation. CRS was called upon to conciliate disputes between the State of New York and several Indian nations, including the Senecas, Mohawks and Oneidas, over the right of the State to collect State sales tax on cigarettes. CRS mediated a dispute between the Onondaga Nation Governing Council and businessmen over the collection of sales taxes on cigarettes and gasoline. CRS helped resolve



CRS Mission and Goals

In accordance with Title X of the Civil Rights Act of 1964, 42 USC §2000g, CRS seeks to prevent or resolve community conflicts and tensions arising from actions, policies, and practices perceived to be discriminatory on the basis of race, color, or national origin. CRS provides services, including conciliation, mediation, and technical assistance, directly to people and their communities to help them resolve conflicts that tear at the fabric of our increasingly diverse society.

CRS Program Goals:

- ☐ To create opportunities and mechanisms for constructive civic discourse on issues of race and ethnicity. CRS helps give national leadership and assistance to efforts to establish "places and spaces" for candid race relations discussions.
- ☐ To provide a high caliber of conflict resolution and prevention services to those communities most vulnerable to significant race relations tensions, conflicts, and violence.
- ☐ To build enhanced dispute resolution capabilities in local communities, including high schools, colleges and universities, so that local institutions will be able to resolve their own conflicts without external assistance.
- ☐ To establish bridges between minority groups and law enforcement organizations in order to improve relations and community safety, and to reduce the potential for community conflict.
- ☐ To improve the preparedness of communities to respond to civil unrest, including activities by hate groups, through the provision of training, contingency planning, and technical assistance.

Customer Service Standards Community Relations Service

Our goal is to provide sensitive and effective conflict prevention and resolution services. CRS will meet the following Standards:

- ☐ We will clearly explain the process that CRS uses to address racial and ethnic conflicts and our role in that process.
- ☐ We will provide opportunities for all parties involved to contribute to and work toward a solution to the racial or ethnic conflict.
- ☐ If you are a participant in a CRS training session or conference, you will receive timely and useful information and materials that will assist you in preventing or minimizing racial and ethnic tensions. If you would like more information, we will work with you to identify additional materials and resources to meet your needs within three weeks of learning your need.
- ☐ We will be prepared to provide on-site services in major racial or ethnic crisis situations within 24 hours from the time when your community notifies CRS or CRS becomes aware of the crisis.
- ☐ In non-crisis situations we will contact you to discuss our services within three days of when your community notifies CRS or when CRS becomes aware of the situation.

CRS has 14 offices across the country. To explore assistance from CRS, please call 202/305-2935, or write to the Community Relations Service, U.S. Department of Justice, 600 E Street, NW, Suite 2000, Washington, D.C. 20530.

CRS Headquarters, Regional, and Field Offices

Headquarters Office

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Regional Offices and States Within Each Region

Region I – New England
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Boston, MA 02110
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Region II – Northeast
26 Federal Plaza, Room 36-118
New York, NY 10278
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Fax: 212/264-0142



1 2 3 4

Region III – Mid-Atlantic

2nd and Chestnut Streets, Room 208
Philadelphia, PA 19106
Tel: 215/597-2344
Fax: 215/597-9148
Servicing: DC, DE, MD, PA, VA, WV

Region IV – Southeast

75 Piedmont Avenue, NE, Room 900
Atlanta, GA 30303
Tel: 404/331-6883
Fax: 404/331-4471
Servicing: AL, FL, GA, KY, MS, NC,
SC, TN

Miami Field Office

51 SW First Avenue, Room 424
Miami, FL 33130
Tel: 305/536-5206
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Region V – Midwest

55 West Monroe Street, Suite 420
Chicago, IL 60603
Tel: 312/353-4391
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Servicing: IL, IN, MI, MN, OH, WI

Detroit Field Office

211 West Fort Street, Suite 1404
Detroit, MI 48226
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Region VI – Southwest

1420 West Mockingbird Lane,
Suite 250
Dallas, TX 75247
Tel: 214/655-8175
Fax: 214/655-8184
Servicing: AR, LA, NM, OK, TX

Houston Field Office

515 Rusk Avenue, Room 12605
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Region VII – Central

1100 Main Street, Suite 1320
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Tel: 816/426-7434
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Servicing: IA, KS, MO, NE

Region VIII – Rocky Mountain

1244 Speer Blvd., Room 650
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Servicing: CO, MT, ND, SD, UT, WY

Region IX – Western

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Region X – Northwest

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